



**VIRTUAL/TELECONFERENCE
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD**

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

September 27, 2023

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes of March 7, 2023 (4-9)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters – Discussion and Consideration

- 1) Department, Staff and Board Updates
- 2) Board Members – Board Member Status
 - a. Atkins, Stephanie – 7/1/2027
 - b. Davide, Jay J. – 7/1/2026
 - c. Fielding, Kurt A. – 7/1/2023
 - d. Johnsen, John J. – 7/1/2021
 - e. Moll, Michael K. – 7/1/2024
 - f. Wedro, Benjamin C. – 7/1/2027
- 3) Wis. Stat. § 15.083(3)(b) Biannual Meeting with the Medical Examining Board

F. Legislative and Policy Matters – Discussion and Consideration

G. Administrative Rule Matters – Discussion and Consideration (10)

- 1) Adoption Orders
 - a. AT 1 to 4, Relating to References to Consulting Physician **(11-14)**
 - b. AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(15-17)**
- 2) Drafting Proposals
 - a. AT 4, Relating to Protocol Requirements **(18-20)**
- 3) Pending or Possible Rulemaking Projects **(21)**

H. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Public Health Emergencies
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings

- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

N. Delegation and Ratification of Licenses Issued Between Meetings

ADJOURNMENT

NEXT MEETING: 2024 (TO BE DETERMINED)

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
MARCH 7, 2023**

PRESENT: Stephanie Atkins, Jay Davide, Kurt Fielding, John Johnsen (*arrived at 11:02 a.m.*), Michael Moll, Benjamin Wedro

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin; Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other Department staff

CALL TO ORDER

Kurt Fielding, Chairperson, called the meeting to order at 11:01 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Michael Moll moved, seconded by Stephanie Atkins, to adopt the Agenda as published. Motion carried unanimously.

John Johnsen arrived at 11:02 a.m.

APPROVAL OF MINUTES SEPTEMBER 28, 2022

MOTION: Benjamin Wedro moved, seconded by Jay Davide, to approve the Minutes of September 28, 2022 as published. Motion carried unanimously.

PRELIMINARY HEARING ON STATEMENT OF SCOPE – SS 097-22 ON AT 4, RELATING TO PROTOCOL REQUIREMENTS

Review Preliminary Hearing Comments

MOTION: Kurt Fielding moved, seconded by John Johnsen, to affirm the Board has reviewed the public comments received concerning Scope Statement (SS) 097-22 on AT 4, Relating to Protocol Requirements. Additionally, after consideration of all public comments and feedback the Board approves SS 097-22 for implementation. Motion carried unanimously.

PUBLIC HEARING – CLEARINGHOUSE RULE 23-001 ON AT 1 AND 4, RELATING TO REFERENCES TO CONSULTING PHYSICIAN

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Benjamin Wedro moved, seconded by Michael Moll, to accept all Clearinghouse comments for Clearinghouse Rule 23-001 (AT 1 to 4), relating to References to Consulting Physician. Motion carried unanimously.

MOTION: Benjamin Wedro moved, seconded by Jay Davide, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule 23-001 (AT 1 to 4), relating to References to Consulting Physician, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: John Johnsen nominated the 2022 slate of officers to continue in 2023. All officers accepted their nominations.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Kurt Fielding
Vice Chairperson	John Johnsen
Secretary	Stephanie Atkins

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Kurt Fielding <i>Alternate: John Johnsen</i>
Legislative Liaison(s)	Jay Davide <i>Alternate: Benjamin Wedro</i>
Education and Examinations Liaison(s)	John Johnsen <i>Alternate: Stephanie Atkins</i>
Monitoring Liaison(s)	Benjamin Wedro <i>Alternate: Michael Moll</i>
Professional Assistance Procedure (PAP) Liaison(s)	Benjamin Wedro <i>Alternate: Jay Davide</i>
Website Liaison(s)	Kurt Fielding <i>Alternate: Stephanie Atkins</i>
Travel Authorization Liaison(s)	Kurt Fielding <i>Alternate: Jay Davide</i>
Screening Panel	Stephanie Atkins, John Johnsen <i>Alternate: Michael Moll</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Benjamin Wedro moved, seconded by Stephanie Atkins, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Michael Moll moved, seconded by John Johnsen, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Benjamin Wedro moved, seconded by Jay Davide, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Kurt Fielding moved, seconded by Stephanie Atkins, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Michael Moll moved, seconded by John Johnsen, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Kurt Fielding moved, seconded by Benjamin Wedro, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 7, 2023 agenda materials on pages 32-34. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Michael Moll moved, seconded by Stephanie Atkins, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Kurt Fielding moved, seconded by Michael Moll, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Michael Moll moved, seconded by John Johnsen, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Kurt Fielding moved, seconded by Jay Davide, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Kurt Fielding moved, seconded by John Johnsen, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of athletic training. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews

MOTION: Benjamin Wedro moved, seconded by Michael Moll, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state license requirements are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Michael Moll moved, seconded by John Johnsen, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Kurt Fielding moved, seconded by Stephanie Atkins, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Kurt Fielding moved, seconded by Michael Moll, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Michael Moll moved, seconded by Stephanie Atkins, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Kurt Fielding moved, seconded by Michael Moll, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Kurt Fielding moved, seconded by Jay Davide, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Benjamin Wedro moved, seconded by Stephanie Atkins, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: John Johnsen moved, seconded by Michael Moll, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Kurt Fielding moved, seconded by Michael Moll, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Benjamin Wedro moved, seconded by Michael Moll, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Kurt Fielding moved, seconded by John Johnsen, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: John Johnsen moved, seconded by Stephanie Atkins, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: John Johnsen moved, seconded by Michael Moll, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.


ADJOURNMENT

MOTION: John Johnsen moved, seconded by Stephanie Atkins, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:24 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 09/14/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 09/27/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Adoption Order a. AT 1 to 4, Relating to Referenced to Consulting Physician b. AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 2. Drafting Proposals a. AT 4, Relating to Protocol Requirements 3. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: 1. Adoption Orders – AT 1 and AT 2 2. Scope Statement – AT 4 3. Wisc. Admin Code Chapter AT 4 4. Rule Projects Chart			
11) Authorization			
 Signature of person making this request		09/14/23 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	ATHLETIC TRAINERS AFFILIATED
ATHLETIC TRAINERS AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 23-001)

ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to repeal AT 1.07 and amend AT 4.01 (intro.) and 4.02 (2) and (4), relating to references to consulting physician.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 448.955 (3) (c), 448.956 (1) (a), and 448.956 (4), Stats.

Statutory authority: Sections 15.085 (5) (b) and 448.9525 (2), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats. states that “[Each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession...”

Section 448.9525 (2), Stats., states that “subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and the medical examining board shall jointly promulgate rules relating to the minimum requirements of a protocol required under s. 448.956 (1).”

Related statute or rule: None.

Plain language analysis:

The proposed rule implements the changes from 2021 Wisconsin Act 71, which removed all statutory requirements relating to a consulting physician in the practice of athletic training.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Athletic Trainers in Illinois, with input from the Illinois Board of Athletic Trainers. The Illinois Board is also responsible for the promulgation of rules to implement certain sections of the Illinois Athletic Trainers Practice Act. This Act includes requirements for consultation and referral to a team or consulting physician (225 Illinois Compiled Statutes Chapter 5 Section 3 Subsection 4). The Illinois Administrative Code does not include rules that address consultation with a licensed physician as it relates to the scope of practice of athletic training (Illinois Administrative Code Title 68 Section 1160).

Iowa: The Iowa Public Health Department is responsible for the licensure and regulation of Athletic Trainers in Iowa, with input from the Iowa Board of Athletic Trainers. Chapter 152D of the Iowa Code outlines the statutes for the regulation of the practice of athletic training in Iowa. These statutes include general requirements for licensure and duties of the Iowa Board (Iowa Code Title IV Chapter 152D). The Iowa Administrative Code includes rules that establish that each licensee must ensure that documentation of physician direction is obtained and maintained, including an athletic training service plan, referrals, initial evaluations and assessments, and dates of subsequent follow-up care (645 Iowa Administrative Code Chapter 351).

Michigan: The Michigan Athletic Trainer Board is responsible for the licensure and regulation of Athletic Trainers in Michigan. Act 368 Article 15 of the Michigan Compiled Laws includes the regulations for Athletic Trainers in Michigan, among several other occupations (Michigan Compiled Laws Act 368 Article 15 Chapter 333 Part 179). The Michigan Department of Licensing and Regulatory Affairs, in conjunction with the Michigan Board, promulgates administrative rules that include requirements for licensure, education, and examination, among other topics. Neither the statutes or the administrative rules include requirements for consultation with or referral to a licensed physician as it relates to the scope of practice of athletic training (Michigan Administrative Code R 338.1301-R 338.1378).

Minnesota: The Minnesota Board of Medical Practice is responsible for the licensure and regulation of Athletic Trainers in Minnesota. The Minnesota Athletic Trainers Act includes statutory requirements for limitations on practice, licensure, and continuing education, among other topics. According to section 148.7807 of these requirements, an Athletic Trainer must refer a patient to a person licensed to practice medicine in Minnesota if they determine that a medical condition is beyond their scope of practice (Minnesota Statutes Section 148.7801 to 148.78015). Part 5600 of the Minnesota Administrative Code includes rules established by the Minnesota Board, but does not mention requirements for consultation with or referral to a licensed physician as it relates to the scope of practice of athletic training (Minnesota Administrative Rules Chapters 5600 to 5620).

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2021 Wisconsin Act 71 and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted at Jennifer.Garrett@wisconsin.gov or (608) 266-6975.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. AT 1.07 is repealed.

SECTION 2. AT 4.01 (intro.), 4.02 (2) and (4) are amended to read:

AT 4.01 Protocol evaluation and treatment procedures. A protocol established by the licensee ~~and approved by the consulting physician~~ shall be in writing and may include any of the following evaluation and treatment procedures ~~when authorized by the consulting physician~~:

AT 4.02 (2) The requirement that if a licensee ~~or the consulting physician of the licensee~~ determines that a patient’s medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV, of ch. 448, Stats., and who can provide appropriate treatment to the patient.

AT 4.02 (4) The name, signature and date of signature of the ~~consulting physician and the licensee~~.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Athletic Trainers Affiliated
Credentialing Board

DRAFT

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILATED CREDENTIALIAING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	ATHLETIC TRAINERS AFFILIATED
ATHLETIC TRAINERS AFFILAITED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 22-030)

ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 2.01 and 2.02 (intro.); and create AT 2.03, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 440.09, Stats.

Statutory authority: Sections 15.085 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:

Illinois: The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa: Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan: The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota: The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2020 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. AT 2.01 is amended to read:

AT 2.01 Applications. An applicant for a license shall file an application and must pay the fee specified in s. 440.05 (~~1~~), Stats. An applicant for a license who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (~~1~~), Stats.

SECTION 2. AT 2.02 (intro.) is amended to read:

AT 2.02 (intro.) ~~In addition to satisfying the requirement of s. 448.953, Stats.,~~ Except as provided under s. AT 2.03, an application for licensure shall satisfy the requirements of s. 448.953, Stats., and include all of the following:

SECTION 3. AT 2.03 is created to read:

AT 2.03 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal athletic trainer license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Applications for reciprocal licensure may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson

Athletic Trainers Affiliated Credentialing Board

STATEMENT OF SCOPE

ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

Rule No.: AT 4

Relating to: Protocol Requirements

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to update the requirements relating to evaluation and treatment protocols for Athletic Trainers, as well as bring them in line with current practice in the profession.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapter AT 4 provides the requirements for evaluation and treatment protocols. The Board has identified a need to update these requirements. The alternative to making these updates is that protocol requirements will continue to be outdated and burdensome for licensees to comply with.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats. states that "[Each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 448.9525 (2), Stats., states that "subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and the medical examining board shall jointly promulgate rules relating to the minimum requirements of a protocol required under s. 448.956 (1)."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 60 hours

6. List with description of all entities that may be affected by the proposed rule:

Athletic Trainers credentialed in Wisconsin and those looking into entering the profession

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

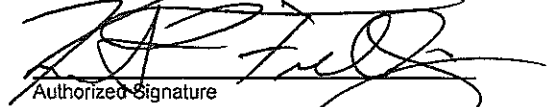
Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:


Authorized Signature

10-14-22
Date Submitted

Approved for implementation:


Authorized Signature

4-10-23
Date Submitted

Chapter AT 4

EVALUATION AND TREATMENT PROTOCOL

AT 4.01 Protocol evaluation and treatment procedures.

AT 4.02 Mandatory protocol requirements.

AT 4.01 Protocol evaluation and treatment procedures. A protocol established by the licensee and approved by the consulting physician shall be in writing and may include any of the following evaluation and treatment procedures when authorized by the consulting physician:

(1) Taking a basic medical history when necessary for evaluation and treatment of an injury or illness sustained while participating in physical activity. A basic medical history may include any of the following:

- (a) Previous medical history.
- (b) Previous surgical history.
- (c) Pertinent family medical history.
- (d) Current medication history including known drug allergies.
- (e) Relevant social history.
- (f) Chief medical complaint.
- (g) History of the present injury or illness for which the person to be treated is seeking evaluation and treatment.

(2) Evaluating an injury or illness sustained while participating in physical activity. An evaluation may include any of the following procedures:

- (a) Palpation.
- (b) General observation.
- (c) Motion assessment.
- (d) Muscle strength tests.
- (e) Endurance tests.
- (f) Neurological assessment.
- (g) Joint play assessment.
- (h) Functional evaluation.
- (i) Objective physical measurement.
- (j) Circulatory assessment.

(3) Treating an injury or illness sustained while participating in physical activity. Treatment may include any of the following procedures:

- (a) Emergency care.
- (b) Ultrasound.
- (c) Phonophoresis.
- (d) Electrical nerve stimulation.
- (e) Iontophoresis.
- (f) Specified diathermy.

- (g) Intermittent compression.
- (h) Traction.
- (i) Therapeutic massage.
- (j) Moist heat.
- (k) Paraffin baths.
- (L) Cryotherapy.

(4) Rehabilitating an injury or illness sustained while participating in physical activity. Rehabilitation may include any of the following procedures:

- (a) Progressive resistance exercise.
- (b) Range of motion exercise.
- (c) Trigger point therapy.
- (d) Joint mobilization for range of motion only.
- (e) Proprioceptive neuromuscular facilitation.
- (f) Functional exercise.
- (g) Cardiovascular exercise.
- (h) Aquatic exercise.
- (i) Taping, bracing and splinting.
- (j) Isokinetic exercise.
- (k) Isometric exercise.
- (L) Isotonic exercise.

(5) Administering specifically enumerated drugs.

History: Cr. Register, February, 2001, No. 542, eff. 3-1-01; CR 18-082: am. (1) (intro.), (2) (intro.), (3) (intro.), (4) (intro.), (5) Register October 2019 No. 766, eff. 11-1-19.

AT 4.02 Mandatory protocol requirements. A protocol must contain all of the following:

(2) The requirement that if a licensee or the consulting physician of the licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV of ch. 448, Stats., and who can provide appropriate treatment to the patient.

(3) The requirement that a licensee shall modify or terminate treatment of a patient that is not beneficial to a patient or that the patient cannot tolerate.

(4) The name, signature and date of signature of the consulting physician and the licensee.

History: Cr. Register, February, 2001, No. 542, eff. 3-1-01; CR 02-152: am (4) Register December 2003 No. 576, eff. 1-1-2004; CR 18-082: r. (1) Register October 2019 No. 766, eff. 11-1-19.

**Athletic Trainers Affiliated Credentialing Board
Rule Projects (updated 09/14/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
23-001t	045-22	11/23/2024	AT 1 and 4	References to Consulting Physician	Board Review of Adoption Order at 09/27/23 Meeting	Submission for Publication in the Administrative Register; Anticipated Rule Effective Date of 11/01/2023
22-030	142-20	05/02/2023	AT 2	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Board Review of Adoption Order at 09/27/23 Meeting	Submission for Publication in the Administrative Register; Anticipated Rule Effective Date of 11/01/2023
Not Assigned Yet	097-22	06/12/2025	AT 4	Protocol Requirements	Drafting	Board Review and Approval of Preliminary Rule Draft